

**Security Council**

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Identical letters dated 26 March 2001 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and to the President of the Security Council

The delegation of the Kingdom of Saudi Arabia to the United Nations has taken note of the identical letters dated 5 February 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council that were circulated in document S/2001/117 of 7 February 2001, and it would like to state the facts set forth hereunder in their regard.

The delegation of Saudi Arabia expresses its deepest gratitude and appreciation to the Secretary-General of the United Nations and all its Member States for the efforts they have made: to address issues relating to Kuwaiti and third-country prisoners, detainees and missing persons in Iraq, most recently with the appointment by the Secretary-General of Ambassador Yuli M. Vorontsov as high-level coordinator for the repatriation of Kuwaitis and third-country nationals or of their mortal remains in Iraq, in accordance with the relevant resolutions; to monitor Iraq's fulfilment of the obligations imposed by the resolutions in question for the enhancement of security, peace and stability and of its obligations under international humanitarian law; and to urge a rapid solution to the problem of Kuwaiti and third-country prisoners and missing persons in cooperation with the International Committee of the Red Cross (ICRC).

The delegation of Saudi Arabia affirms the Kingdom's support for any position adopted, any role assumed and any effort made that may be conducive to addressing issues relating to the prisoners, detainees and missing persons in Iraq who are of Saudi, Kuwaiti and other nationalities. This is for humanitarian considerations and accords with all relevant resolutions stipulating that Iraq must release the prisoners and detainees, must cooperate in establishing the fate of the missing of all nationalities, under the auspices of ICRC, and must meet all of its international obligations and resume participation in the meetings of the Tripartite Commission and the Technical Subcommittee on this matter.

The delegation of Saudi Arabia affirms the commitment of the Kingdom to international humanitarian law and to the four Geneva conventions that seek to enhance the dignity, security and integrity of human beings and to secure their rights and freedoms and protect them from attack.

The delegation of Saudi Arabia is of the view that the conduct of Iraq during the time of its invasion and occupation of Kuwait, its violations of these



conventions, the detention of hundreds of civilians of various nationalities, thus endangering their lives and violating their human dignity, and the continued detention of large numbers of prisoners and detainees of Kuwaiti, Saudi and other nationalities although some 10 years have elapsed since the liberation of Kuwait are totally incompatible with the relevant resolutions, with the prescriptions and worthy principles of the four Geneva conventions and with international humanitarian law.

The Kingdom of Saudi Arabia has participated in all the meetings of the Tripartite Commission and the Technical Subcommittee that discuss issues relating to prisoners, detainees and missing persons of Saudi, Kuwaiti and other nationalities in Iraq under the auspices of ICRC and with Iraq's participation, and it has done so with a view to achieving a satisfactory solution to a humanitarian issue that is of very long standing.

Iraq has not, however, responded to any of the efforts made in this connection and has not translated the promises it has made into concrete reality. It has not provided the positive information required to demonstrate its seriousness in devising solutions to this humanitarian predicament. The humanitarian efforts being made by Saudi Arabia, Kuwait and the other countries that are members of the Commission and the Subcommittee were also thwarted by Iraq's withdrawal from and boycott of their work and endeavours in January 1999, which took place without convincing justification and is to be regarded as a flagrant violation of the relevant resolutions and of international humanitarian law.

In the matter of the Saudi pilot Muhammad bin Salih Nadirah, whose plane was shot down on 13 February 1991, the true state of affairs is that Saudi Arabia continued to follow up his case, together with others, at the meetings of the Tripartite Commission and the Technical Subcommittee that have discussed issues relating to prisoners and missing persons since they were established after the liberation of Kuwait, with a view to establishing his fate on humanitarian grounds.

However, the efforts made by Saudi Arabia over a 10-year period were thwarted by Iraq's varying and contradictory accounts, which ranged from outright denial of any knowledge of his fate, to a subsequent claim that he had been rescued by coalition forces and returned to Saudi Arabia, to confirmation that his plane had been shot down and (after his body had been found in an Iraqi minefield) that he had been killed, and then to the claim that he had died in the crash and his remains had been buried by a member of the Iraqi armed forces. All of the aforesaid contradictory accounts reveal the true nature of Iraq's attitude with respect to this humanitarian issue.

Iraq's claim that it learned the fate of the Saudi pilot on 30 April 1997, more than six years after his plane was brought down, and then its claim that, after some 10 years, it had cooperated in the return of his remains on 24 October 2000 are no more than an attempt to cover up the basic issues, which are those relating to the prisoners, detainees and missing persons of Saudi, Kuwaiti and other nationalities of whose fate and of the location of the remains of those who have died it claims to know nothing.

There can be no doubt that Iraq's disclosure of these remains after such a long period of time, some 10 years, has provided it with sufficient opportunity to erase many of the facts relating to the manner in which the pilot died and to alter many of the features of the crash site by moving the wreckage from the site to other places in

Iraq. It has refused to hand the wreckage over to the Saudi side for examination in order to determine the circumstances of the crash, which would undoubtedly help to identify many of its causes as well as its outcome and the cause of death of the pilot.

This reveals the true nature of the positions maintained by Iraq and is an attempt to exploit a humanitarian issue for political purposes and an endeavour to ignore the relevant resolutions and international humanitarian law.

In another respect, Saudi Arabia and the other countries that are members of the Tripartite Commission and the Technical Subcommittee on matters relating to prisoners, detainees and missing persons have responded positively to Iraq's proposals concerning its claims regarding Iraqi missing persons and, on humanitarian grounds, have accepted Iraqi dossiers through ICRC. Saudi Arabia received most of them in June and August 2000, and they are still being examined by the Saudi authorities. It should be remarked, however, that Iraq's withdrawal from the Commission and the Subcommittee has halted the exchange of information between the two sides that could have assisted the search and inquiry process among the other parties attempting to achieve concrete results.

In this context, Iraq knows perfectly well that the Government of Saudi Arabia has cooperated in the work of the Tripartite Commission and the Technical Subcommittee on matters relating to prisoners, detainees and missing persons. This is illustrated by the fact that, at the end of the war for the liberation of Kuwait, the Kingdom returned 70,246 prisoners to Iraq under the supervision of ICRC. We emphasize in this context that Saudi Arabia has no Iraqi prisoners or detainees and that there are no Iraqi missing persons in its territory.

Those Iraqis who are present in our territory are refugees who have the absolute freedom to return voluntarily to Iraq whenever they should wish to do so. Those who refuse to return to Iraq have unrestricted freedom to settle in other countries under the auspices of the Office of the United Nations High Commissioner for Refugees. The role of the Saudi Government in this matter is limited to providing a safe haven and economic, educational, social and religious services and health care on a fraternal and humanitarian basis.

In another respect, the members of the Tripartite Commission have undertaken to provide ICRC with detailed maps showing the places of burial inside Iraqi territory of the remains of a large number of Iraqi soldiers who were killed in the battles for the liberation of Kuwait. The efforts they have made, however, have also been thwarted by Iraq's withdrawal from the Tripartite Commission and the Technical Subcommittee, which discuss issues relating to Iraqi missing persons. The Iraqi authorities have, moreover, been unable to establish principles for guidance in identifying the remains of Iraqi soldiers as a first step that may contribute to establishing the fate of missing Iraqis.

Accordingly, the delegation of Saudi Arabia expresses the hope that Iraq will again cooperate in a serious manner with a view to devising a solution to the problems of prisoners, detainees and missing persons of Kuwaiti, Saudi and other nationalities as well as missing Iraqis and that it will do so by resuming its participation in the meetings of the Tripartite Commission and the Technical Subcommittee on matters relating to prisoners, detainees and missing persons together with all the other parties. Under the auspices of ICRC, the efforts of all and whatever information they may have will be needed if the prisoners and detainees

are finally to return to their kith and kin and if there is to be an end to human suffering that has gone on for almost 10 years.

The Saudi delegation would welcome any international initiative to support the efforts that have been made and that may be conducive to the achievement of the humanitarian goals involved by securing the release of the prisoners and detainees and establishing the fate of those missing in Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Fawzi Bin Abdul Majeed **Shobokshi**
Ambassador
Permanent Representative